

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

GREGORY GILREATH,

Plaintiff,

-vs-

CLEMENS & COMPANY, et al.,

Defendants.

:

Case No. 3:03-cv-118

:

District Judge Thomas M. Rose
Chief Magistrate Judge Michael R. Merz

:

ORDER DENYING MOTION TO STRIKE

This case is before the Court on Plaintiff's Motion to Strike Certain Statements (Doc. No. 97) made in Defendant Clemens & Company's Response (Doc. No. 96) to Plaintiff's Objections to the pending Report and Recommendations on summary judgment.

Having examined the complained-of statements in context, the Court finds that they do not constitute "immaterial, impertinent, or scandalous" matter. See Fed. R. Civ. P. 12(f). Accordingly, the Motion to Strike is DENIED.

April 30, 2005.

s/ **Michael R. Merz**
Chief United States Magistrate Judge